

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

ANTHONY CANTU, &	§	
RONALD LOREDO	§	
on behalf of themselves and a class of those	§	CIVIL ACTION NO.
similarly situated	§	5:13-CV-731-HLH
	§	
Plaintiffs,	§	
	§	
v.	§	COLLECTIVE ACTION
	§	
MILBERGER LANDSCAPING, INC.	§	
	§	
Defendant.	§	DEMAND FOR JURY TRIAL

**JOINT MOTION FOR EXPEDITED APPROVAL OF  
MEDIATION SETTLEMENT AGREEMENT**

Plaintiffs Anthony Cantu and Ronald Loredó, on behalf of themselves and a class of those similarly situated, and Defendant Milberger Landscaping, Inc., through their respective counsel of record, hereby move the Court for an expedited order approving the Mediation Settlement Agreement, attached as Exhibit "A" to the Parties' Joint Sealing Motion Pursuant to Local Rule CV-5.2. The Parties are not currently requesting that the Court dismiss the lawsuit, but only that the Court approve the Mediation Settlement Agreement. Upon payment pursuant to the terms of the Mediation Settlement Agreement, the Parties will promptly submit a Stipulation of Dismissal.

The Parties request the Court's expedited approval of the Mediation Settlement Agreement so that they may expeditiously comply with its terms.

The Parties agree that the Mediation Settlement Agreement is fair and reasonable, and, consequently, they request no hearing before the Court. The Parties further agree that the Mediation Settlement Agreement is (a) fair to all Parties; (b) reasonably resolves a *bona fide* disagreement between the Parties with regard to the merits of the claims asserted in the action,

including but not limited to the number of hours worked and the amount of compensation due; and (c) demonstrates a good faith intention by the Parties that Plaintiffs' claims be fully and finally resolved, and not re-litigated in whole or in part at any point in the future.

The Parties agree that, following arms-length negotiation through the process of mediation, the Parties have resolved the Plaintiffs' claims against Defendant. Plaintiffs agree and acknowledge that the payment to be made by Defendant is in full and final satisfaction for their claims against Defendant under the Fair Labor Standards Act ("FLSA").

The Parties respectfully submit that the Mediation Settlement Agreement is fair, and request that the Court enter an Order approving it.

The Parties emphasize that they are not yet asking the Court to dismiss this lawsuit. Once Defendants have paid Plaintiffs in accordance with the terms of the Mediation Settlement Agreement within seven (7) days of Court approval, the Parties will promptly file a Stipulation and Order of Dismissal with the Court.

Respectfully submitted,

/s/ Edmond S. Moreland, Jr.

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